

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT LYNCHBURG, VA  
FILED  
DEC 28 2006  
TO: C'ville  
BY: JOHN F. CORCORAN, CLERK  
DEPUTY CLERK  
S. Strahle

DEAN M. INMAN,

*Plaintiff,*

v.

KLÖCKNER-PENTAPLAST OF AMERICA, INC.,  
and  
THE KLÖCKNER PENTAPLAST GROUP,  
and  
KLÖCKNER PENTAPLAST PARTICIPATIONS  
S.À.R.L.,

*Defendants*

CIVIL No. 3:06cv00011

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on a motion to dismiss filed by Defendants Klöckner Pentaplast of America, Inc. and Klöckner Pentaplast Participations S.À.R.L. on June 5, 2006 (docket entry no. 18). For the reasons stated in the accompanying Memorandum Opinion, the Court hereby ORDERS the following:

(1) Plaintiff is given FIFTEEN days within which to amend Count II (ERISA) of his second amended complaint in a manner consistent with the direction in the accompanying Memorandum Opinion. If Plaintiff is unable to amend or chooses not to amend within the time allotted, the Court will grant Defendant's motion to dismiss Count II.

(2) Counts IV (Breach of Contract), V (Civil Conspiracy), VI (Conversion), and VII (Unjust Enrichment) are hereby DISMISSED.

The Clerk of the Court is directed to send a certified copy of this Order to all counsel of record.

ENTERED:

Norman L. Moon  
United States District Judge

December 28, 2006  
Date